
OLR Bill Analysis

sHB 6330 (as amended by House "A")*

AN ACT CONCERNING TECHNICAL AND MINOR REVISIONS TO ELECTIONS RELATED STATUTES.

SUMMARY:

This bill (1) makes technical, minor, and conforming changes to reflect the change from lever to optical scan voting machines (i.e., tabulators) and (2) repeals provisions and procedures rendered obsolete by the change in voting technology.

The bill also narrows the circumstances under which a person may be imprisoned for tampering with voting equipment (i.e., tabulators, appliances used in connection with them, and ballots). Under current law, a person may generally be imprisoned for up to five years for tampering with or destroying voting equipment before or during an election. The bill specifies that this provision applies only when a person intends to cause a vote to register improperly (§ 22).

*House Amendment "A" adds the provision concerning imprisonment for tampering with or destroying voting equipment.

EFFECTIVE DATE: Upon passage

TECHNICAL, MINOR, AND CONFORMING CHANGES

To reflect the change in voting technology, the bill makes several technical and conforming changes. Among other things it:

1. substitutes "tabulator" for "machine" and "ballot" for "ballot label" throughout the General Statutes, but primarily in Title 9, which governs elections;
2. eliminates obsolete references to "voting tabulator technicians" and "machine mechanics" (see BACKGROUND) (e.g., §§ 12, 13, 27, and 39);

3. eliminates references to the specific characteristics of the lever voting machine, such as “pointers” and “counters” (e.g., §§ 13, 18, and 28); and
4. eliminates procedures applicable to lever voting machines only, replacing them with parallel provisions for voting tabulators (e.g., § 7, 13, 17, 21, 25, and 27).

Concerning procedures, the bill, for example, requires registrars to furnish voting privacy booths, rather than lever voting machines, based on the number of electors in the district. For a primary, they must provide one voting booth for every 500 electors (or fraction thereof), rather than one voting machine for every 2,400 electors (or fraction thereof) (§ 27).

The bill repeals:

1. a requirement that the secretary of the state convene a conference before each regular election to train machine mechanics (§ 39);
2. provisions for administering paper ballot elections, including referenda, when lever voting machines are unusable (if a voting tabulator malfunctions, regulations specify the procedure for hand counting ballots (Conn. Agency Reg. § 9-242a-23)) (§ 39); and
3. the obsolete Voting Technology Standards Board, which was established to develop standards for electronic voting systems and required to terminate after submitting its report in January, 2006 (§ 39).

Finally, the bill makes certain minor changes. It:

1. conforms statute to practice by transferring certain duties from town clerks to registrars of voters (e.g., prepare and furnish supplies before an election) (§ 13);
2. requires town clerks to file notice of a primary for municipal

office or town committee members with the secretary of the state within three business days after receiving it from the registrars of voters (§ 26);

3. changes the required number of primary day poll workers by giving the registrar of voters the option to appoint one or two official checkers, instead of requiring two, and giving them the same discretion concerning ballot clerks (these provisions already apply to general elections) (§ 27); and
4. gives registrars the option to appoint a single certified moderator per polling place when more than one political party holds a primary on the same day, if the registrars both agree to the designation (§ 27).

BACKGROUND

Machine Mechanics and Technicians

According to the Office of the Secretary of the State, the optical scan voting tabulator self-tests before it is used. The registrars of voters additionally test the tabulators. If a tabulator jams or otherwise malfunctions, the tabulator tender notifies the appropriate election official, who replaces it (Conn. Agencies Reg. §§ 9-242a-9 and -16). Voting tabulator technicians, formerly machine mechanics, do not repair the machines and, in practice, several towns do not have the position.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 15 Nay 0 (03/07/2011)